

REMARKS

In the office action mailed from the United States Patent and Trademark Office October 26, 2005, the Examiner rejected claims 1, 3, 5 and 7. Applicant respectfully traverses the rejections and provides the following:

Rejections Under 35 U.S.C. § 112, First Paragraph

In the office action the Examiner indicated that the specification does not teach “processed Yaeyama Aoki Juice.” Applicant has respectfully amended the relevant claims to read “Yaeyama Aoki Juice,” as suggested by the Examiner. Office Action, Page 2.

Rejections Under 35 U.S.C. § 112, Second Paragraph

In the office action, the Examiner indicated that claims 5 had a typographical error. Applicant has respectfully amended line 1 of claim 5 to read; “further.”

Rejections Under 35 U.S.C. § 103

The Examiner indicated that claims 1, 3, 5 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the publication from www.nonialoha.com (May 2003) in view of HU 43310, (“HU”), U.S. Patent No. 4,459,149, to Moran et al. (“Moran”), U.S. Patent No. 5,648,264, to Kume (“Kume”) and Dougherty, Field Guide to On-Farm Composting, pages 1-3, 26-29 (March 1999) (“Dougherty”), and further in view of U.S. Patent No. 3,821,963, to Olson et al. (“Olson”) and U.S. Patent No. 3,770,198, to Mihara (“Mihara”).

As indicated by the Examiner in the pending office action, none of the references cited specifically teach a fertilizer comprising Yaeyama Aoki juice, further none of the references cited by the Examiner suggest combining the leaves and seeds of the plant

with juice to be utilized as a fertilizer. The series of secondary references cited by the Examiner in combination with www.nonialoha.com teach various composting techniques but none of the references suggest combining compost with juice and none of the references suggest composting specifically Yaeyama Aoki leaves and seeds with the juice of the fruit.

In particular, HU teaches a method for rendering organic waste safe by combination with agricultural products. HU does not teach a method of combining the Yaeyama Aoki juice leaves and seeds to produce a fertilizer.

Moran teaches the isolation of Humic Acid from compost materials. Moran does not teach the combination of the Yaeyama Aoki juice leaves and seeds.

Kume teaches that agricultural bi-products such as hard decomposable organic materials may be decomposed and used profitably. Kume teaches away from utilizing the juice, an expensive non-efficient product, as an organic fertilizer. Rather, Kume teaches a method for utilizing cheap and efficiently decomposed materials as a cost efficient fertilizer. Accordingly, Kume fails to teach a combination of Yaeyama Aoki juice leaves and seeds in a fertilizer.

Likewise, the additional references fail to teach utilizing an expensive product, the juice of Yaeyama Aoki as a fertilizer in combination with other materials from the Yaeyama Aoki plant, namely leaves and seeds.

The non-obvious combination of utilizing juice, an expensive material, with processed leaves and seeds from the Yaeyama Aoki plant yielded unexpected results that are not taught or suggested in the art cited by the Examiner. As indicated in the specification of the presently filed application, not only was growth of strawberries

increased, but the sugar content of the strawberries was increased, white flower disease was prevented from spreading, and the fruits' freshness after harvest was increased all results not previously taught or suggested in the art. Accordingly, the non-obvious application of Yaeyama Aoki juice in combination with the leaves and seeds from the plant produced non-obvious results, which were not taught or suggested in the art. Accordingly, Applicant respectfully submits that the claims as presently amended contain non-obvious limitations and are allowable over the cited art.

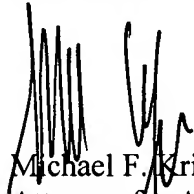
CONCLUSION

Based on the foregoing, Applicant respectfully submits that the deficiencies in the application have been corrected and that the proposed claims are neither anticipated nor rendered obvious by the prior art references cited by the Examiner. As such, Applicant believes that the claims are now in a condition for allowance, and action to that end is respectfully requested.

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

DATED this 26 day of January, 2006.

Respectfully submitted,



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DOC# 861800